

E-FILED APRIL 1, 2009

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

Debtor

Case No.: BK-S-06-10725 LBR
Case No.: BK-S-06-10726 LBR
Case No.: BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

In re:

USA CAPITAL REALTY ADVISORS, LLC,

Debtor

Chapter: 11
Jointly Administered Under
Case No. BK-S-06-10725 LBR

**MOTION FOR RELIEF FROM THE
AUTOMATIC STAY TO PERMIT
3800 PRINCE STREET, LLC TO
ADJUDICATE CLAIMS IN STATE
COURT BY 3800 PRINCE STREET,
LLC**

In re:

USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,

Debtor

Hearing Date: April 29, 2009
Hearing Time: 1:30 p.m.
Courtroom: 1

In re;

USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC

PLEASE TAKE NOTICE that on April 1, 2009, the undersigned filed a motion for relief from the automatic stay to permit 3800 Prince Street, LLC to adjudicate claims in state court by 3800 Price Street, LLC against USA Commercial Mortgage Company in that action filed by SVRB Investments, LLC in the Second Judicial District Court, Bernalillo County, New Mexico, case # CV 2007 07979 and concerning the real property described as: Tract C-1-A-1-B, SCHWARTZMAN INDUSTRIAL CENTER, within Sections 5 and 8, Township 9 North, Range 3 East, N.M.P.M., Bernalillo County, New Mexico, as the same are shown and designated on the replat filed on the office of the County clerk of Bernalillo County, New Mexico, on July 1, 2004 in Book 2004C, page 200. ("Civil Action.")

This Motion will be heard at the United State Bankruptcy Court located in Courtroom #1, located at 300 Las Vegas Boulevard South, Las Vegas, Nevada on April 29, 2009 at 1:30 p.m. or as soon thereafter as the matter may be heard.

PLEASE TAKE FURTHER NOTICE that opposition to this Motion, if any, must be filed with the Court and served on the undersigned within fifteen (15) days of service pursuant to Bankruptcy Rule 9006(a) and Local Rule 9014(c)(2). Failure to file opposition may result in the Motion being granted without a hearing. If necessary, the hearing on the Motion may be continued, without further written notice to you.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the court. You must also serve your written response on the person who sent you this notice. If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice, then:

- The court may *refuse to allow you to speak* at the scheduled hearing; and
- The court may *rule against you* without formally calling the matter at the hearing.

A copy of the motion is enclosed with this Amended Notice.

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1 PLEASE TAKE FURTHER NOTICE that the undersigned will request that the Order Granting
2 Relief from Stay will include a provision that Bankruptcy Rule 4001(a)(3) is waived, and the Order
3 shall take immediate effect upon signature by the Court.

4 Dated: April 1, 2009

5 LAW OFFICE OF EDGAR C. SMITH

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7 By: /s/ Edgar C. Smith
8 Edgar C. Smith, Esq.
9 Nevada Bar No. 5506
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10 Las Vegas, Nevada 89128
Attorney for Movant
3800 Prince Street, LLC
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